

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALLSTATE INSURANCE COMPANY, et al.,

Plaintiffs,

ORDER

- against -

CV 2014-6756 (JBW) (MDG)

CV 2015-3639 (JBW) (MDG)

ART OF HEALING MEDICINE, P.C., et al.,

Defendants.

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By order dated August 22, 2016, the Honorable Jack B. Weinstein granted the motion to withdraw of Kopelevich & Feldsherova, P.C. as counsel for defendants Art of Healing Medicine P.C., Alexander Pinkusovich, M.D. and Svetlana Pinkusovich, M.D. (the "Art of Healing defendants"). See ct. doc. 308. Judge Weinstein directed Art of Healing Medicine, P.C. to retain new counsel promptly and warned that as a corporation, it may not proceed pro se. Judge Weinstein further directed defendant Alexander Pinkusovich, M.D., the principal of the corporate defendant, and defendant Svetlana Pinkusovich, M.D. to retain new counsel promptly or inform the parties and the Court of their intention to proceed pro se.

Judge Weinstein also referred to the undersigned for report and recommendation within 30 days of his order whether default judgment should be entered against any of the Art of Healing defendants and whether sanctions should be imposed on defendant Alexander Pinkusovich. Accordingly, new counsel for the Art of

Healing defendants must enter a notice of appearance by September 19, 2016. If the defendants fail to retain counsel by September 19, 2016, the Court will recommend that default judgment be entered against the corporate defendant and direct that the individual defendants proceed pro se. In addition, Mr. Pinkusovich must respond by September 14, 2016 to plaintiffs' request for sanctions. A copy of plaintiffs' application will be sent to defendants, along with this order.

Plaintiffs' request an extension of the deadline for completion of fact discovery. See ct. doc. 307. The request is denied without prejudice, since this Court will not change the discovery schedule without a change of the motion schedule set by Judge Weinstein.

Warnings to Defendants

This case must proceed after September 19, 2016. As defendants were previously warned, the individual defendants are required to appear in person or through counsel at all scheduled conferences set by the Court. They are warned that failure to appear at a conference or to comply with court orders could result in sanctions, including a fine. Continued failure to comply could ultimately result in entry of default against them.

The individual defendants are further advised that if they fail to obtain new counsel, they will be expected to proceed in this action by themselves. If the individual defendants proceed without counsel, they are advised that every communication sent to the Court must also be sent to the opposing party or counsel.

Any document received by a district judge or magistrate judge which fails to indicate that a copy has been sent to the attorney for plaintiffs may be disregarded by the Court.

The corporate defendant, Art of Healing Medicine, P.C., is advised that corporations may appear in federal court proceedings only through counsel. The corporate defendant is further advised that it is required to appear through counsel at all scheduled conferences set by the Court. If it fails to obtain counsel, the Court will enter default against it.

SO ORDERED.

Dated: Brooklyn, New York
August 26, 2016

/s/
MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE